

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

APRIL 15, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McCoy, King, McLean
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

CLOSED SESSION

MOTION BY MCCOY, SECOND BY MCLEAN, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6:

Agency Negotiator:	City Manager
Employee organizations:	Imperial Beach Firefighters' Association (IBFA) Service Employees International Union (SEIU), Local 2028

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b):
Number of Potential Cases: 1

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:01 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:02 p.m.

ROLL CALL

Councilmembers present:	McCoy, King, McLean
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

CITY MANAGER BROWN announced staff's recommendation to continue Item No. 5.1 to the next regular meeting; anyone interested in speaking on the item may do so tonight.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER MCLEAN announced the ribbon cutting ceremony for a new section of the Bayshore Bikeway is scheduled for April 18; on April 17 the following will take place: a volunteer recognition ceremony at the Imperial Beach library; the City employee quarterly luncheon; and the International Boundary and Water Commission meeting.

MAYOR PRO TEM BRAGG announced the Citywide Garage Sale is scheduled for April 25 and her proceeds from the sale will go towards the skate park; the Homefront Cleanup is scheduled for May 2; on April 2 she attended the League of California Cities meeting in Los Angeles where the Housing Community Economic Development Policy Committee she sits on voted to oppose Assembly Bills 300, 408, and 1408; and April 10 she and City Manager Brown spoke at the Senior Center.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

JOHN PERNO expressed concern about staff's statement at the April 8 City Council Workshop meeting that the cost for services paid for by the General Fund is \$0.53 per resident per day.

MAYOR JANNEY stated that City Council may put together a community group to look at the City's budget.

At this point, CITY MANAGER BROWN reiterated the Homefront Cleanup day is scheduled for May 2.

PRESENTATIONS (1.1 - 1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY announced the Recycle All-Star Award Certificate, used oil-recycling premiums and the EDCO check in the amount of \$100.00 will be sent to Kelly Tracy as he was not in attendance at tonight's meeting.

1.2 PRESENTATION ON SEWAGE TREATMENT IN TIJUANA BY HERNANDO DURAN, GENERAL DIRECTOR OF TIJUANA'S STATE COMMISSION OF PUBLIC SERVICES (COMISIÓN ESTATAL DE SERVICIOS PÚBLICOS DE TIJUANA [CESPT]). (0620-75)

HERNANDO DURAN, General Director of the Comision Estatal de Servicios Pubilcos de Tijuana, gave a PowerPoint presentation on the item.

CONSENT CALENDAR (2.1 - 2.8)

Revised minutes from the March 18, 2009 meeting were submitted as Last Minute Agenda Information.

MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.8. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the regular Workshop meetings of January 13 and January 14, 2009, and the regular City Council meeting of March 18, 2009 as revised by Last Minute Agenda Information.

2.2 RESOLUTION NO. 2009-6737 – AUTHORIZING SALE OF CERTAIN SURPLUS CITY EQUIPMENT. (0380-45)

Adopted resolution.

2.3 RESOLUTION NO. 2009-6733 – SETTING THE TIME AND PLACE FOR A PUBLIC HEARING AND FIRST READING OF ORDINANCE TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2010. (0830-95)

Adopted resolution.

2.4 RESOLUTION NO. 2009-6735 – AUTHORIZING SETTING THE TIME AND PLACE FOR A PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER CAPACITY FEE. (0390-55)

Adopted resolution.

2.5 RESOLUTION NO. 2009-6736 – RATIFYING THE APPROVAL OF THE MODIFICATION OF DESIGN REVIEW (DRC-03-03-094) AND SITE PLAN REVIEW (SPR-03-093) FOR PROPOSED ROOFTOP PATIO/GARDEN AND HEIGHT LIMIT RELIEF FOR PROJECTIONS ON ROOF OF APPROVED SEACOAST INN REDEVELOPMENT PROJECT LOCATED AT 800 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE AS APPROVED ON FEBRUARY 18, 2009 AND MARCH 4, 2009. MF 661. (0660-43)

Adopted resolution.

2.6 COASTAL DEVELOPMENT PERMIT (CP 060427) AND FINAL MAP (FM 060428) FOR THE PROPOSED CONDOMINIUM CONVERSION OF THIRTY-SEVEN (37) UNITS LOCATED AT 1037 AND 1047 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 878. (0600-20)

Approved final map.

2.7 USE OF THE STATE'S TIRE FUND. (0460-40)

Authorized sending letter of support to Senator Ducheny for SB 167.

2.8 REJECTION OF TIMELY CLAIM FILED BY DIANNE SCHERTZER. (0190-10)

Denied the claim.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2009-1084 – AN ORDINANCE REPEALING AND ADDING SECTION 3.04.160, RELATING TO PROFESSIONAL SERVICES CONTRACTING PROCESSES. (0400-95)

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1084.

CITY CLERK HALD read the title of Ordinance No. 2009-1084, "An ordinance of the City Council of the City of Imperial Beach, California, repealing and adding Section 3.04.160, relating to professional services contracting processes."

MOTION BY MCLEAN, SECOND BY BRAGG, TO DISPENSE THE FIRST READING AND INTRODUCE ORDINANCE NO. 2009-1084 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION/PUBLIC HEARING (4)

None.

PUBLIC HEARINGS (5.1)

5.1 KAMAL NONA (OWNER)/STOSH THOMAS (ARCHITECT); CONDITIONAL USE PERMIT (CUP 060398), DESIGN REVIEW (DRC 060399), SITE PLAN REVIEW (SPR 060400) FOR TWO MIXED USE DEVELOPMENTS WITH TWO RETAIL COMMERCIAL SPACES AND TWO RESIDENTIAL UNITS FOR EACH DEVELOPMENT (FOUR COMMERCIAL AND FOUR RESIDENTIAL UNITS TOTAL) LOCATED AT 1120, 1122 13TH STREET AND 1150, 1152 13TH STREET, IN THE C-3 (NEIGHBORHOOD COMMERCIAL) ZONE. MF 863. (0600-20)

MAYOR JANNEY declared the public hearing open.

The following correspondence from Briggs & Alexander, law office representing Feras Barghout, received April 14, 2009 with the following enclosures was submitted as Last Minute Agenda Information: a) Addressed to Mayor Janney, dated April 10, 2009; b) Addressed to Deputy City Attorney Stotland, dated April 10, 2009; c) From Deputy City Attorney Stotland to Briggs &

Alexander, dated April 7, 2009; d) Addressed to Deputy City Attorney Stotland, dated March 24, 2009; and e) From Deputy City Attorney Stotland to Feras Barghout, dated March 19, 2009.

CITY MANAGER BROWN introduced the item.

MOTION BY KING, SECOND BY MCLEAN, TO CONTINUE THE PUBLIC HEARING TO MAY 6, 2009. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1 - 6.2)

6.1 SEACOAST INN UPDATE. (0660-43)

CITY MANAGER BROWN introduced the item.

ALLISON ROLFE, Project Manager for Pacifica Companies, along with Enrique Terrazas, Construction Project Manager, gave a PowerPoint presentation on the item; as a result of changing the shoring approach, construction costs will be reduced by \$1 million and new plans will be resubmitted this Friday with the full set of plans to be submitted on May 15; the hotel will be closed to guests the day after Labor Day; demolition will be at the end of September; staff is working with Citibank on a "swap" from the Seacoast Inn property to another Pacifica property in order to avoid a prepayment penalty; another financial institution is interested in financing the new hotel due to proposed certification as a Leadership in Energy and Environmental Design (LEED) project; and construction costs should be available by July 7; an administrative review, rather than a public hearing, by the Coastal Commission is anticipated; in response to Council's concerns regarding the condition of the current hotel, she stated Brian Duscan, President of Hotel Operations, conducted a surprise inspection of the hotel and a work list of repairs was developed and is being addressed; she also stated that the County's Vector Control did not find rat infestation at the hotel and added that it is not uncommon to find rats at beachfront properties as they are attracted to the dried palm leaves, seaweed, and trash; a new project schedule was submitted for Council's review.

Discussion ensued regarding LEED certification; involving the community in a demolition event; Citibank "swap" status; the Coastal Commission review process; and continuing with regular hotel updates to City Council.

6.2 RESOLUTION NO. 2009-6738 – APPROVING THE AMENDMENTS TO THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY JOINT POWERS AGREEMENT DELETING THE EAST COUNTY FIRE PROTECTION DISTRICT AS A MEMBER AGENCY AND REVISING THE FORMULA FOR ALLOCATION OF EXPENSES. (0250-20)

CITY MANAGER BROWN introduced the item.

MOTION BY MCLEAN, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6738 – AUTHORIZING AMENDMENTS TO THE HEARTLAND COMMUNICATIONS FACILITY AUTHORITY JOINT POWERS AGREEMENT DELETING THE EAST COUNTY FIRE PROTECTION DISTRICT AS A MEMBER AGENCY AND REVISING THE FORMULA FOR ALLOCATION OF EXPENSES. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY announced a City Council workshop is scheduled for Tuesday, April 21 and adjourned the meeting at 7:15 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk